

Remarks

This Application has been carefully reviewed in light of the Office Action mailed February 8, 2005. During a telephone conversation with the Examiner on January 29, 2005, Applicant elected to prosecute claims 1-15 and withdraw claims 16-25 from consideration, without prejudice or waiver to reintroducing the claims at a later date. In the Office Action, claim 2 was objected to because of informalities and claims 1-15 were rejected under the judicially created doctrine of obviousness-type double patenting.

By this paper, Applicant has amended claim 2, added claim 26, and cancelled claims 12 and 15 to clarify the subject matter in which the Applicant claims as its invention and to advance prosecution of this case. No new matter has been introduced by this Amendment. Applicant does not admit that the Amendment was necessary as the result of any cited art or Examiner objections or rejections. Applicant respectfully requests reconsideration of the above-identified application in view of the following remarks.

As a result of Applicant's amendments and election, fewer than all of the currently named inventors are the actual inventors of the invention as now claimed in the application. The sole inventor of the claimed subject matter is believed to be **VAHID SENDIJAREVIC**. Pursuant to 37 C.F.R. § 1.48(b) please delete **IBRAHIM SENDIJAREVIC** whose invention is no longer being claimed in this application.

Claim 2 was objected to because of an informality. Applicant has amended claim 2 to recite "deformed or compressed above the T_g to produce a deformed or compressed shape" Applicant believes that this is an appropriate correction, and therefore respectfully request the Examiner to remove this objection.

Claims 1-9 and 11-14 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,583,194 ("the '194 patent") in view of U.S. Patent No. 4,654,375 ("*Malwitz*"). According

to the Examiner, although the conflicting claims are not identical, they are not patentably distinct from each other.

Applicant encloses herein a Terminal Disclaimer over the '194 patent. The filing of the Terminal Disclaimer to obviate the rejections based on obviousness-type double patenting is not an admission by the Applicant of the propriety of the rejection. As consistent with the decision in *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991), the "filing of a terminal disclaimer simply serves as a statutory function in removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

Claim 10 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of the '194 patent in view of *Malwitz* and U.S. Patent No. 5,306,319 ("*Krishnan*"). According to the Examiner, although the conflicting claims are not identical, they are not patentably distinct from each other. Applicant encloses a Terminal Disclaimer over the '194 patent and therefore respectfully requests withdrawal of this rejection.

Claim 15 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of the '194 patent in view of *Malwitz* and U.S. Patent No. 3,432,475 ("*McKillip*"). According to the Examiner, although the conflicting claims are not identical, they are not patentably distinct from each other. Applicant encloses herein a Terminal Disclaimer over the '194 patent, and therefore respectfully requests the Examiner to remove this rejection.

Conclusion


In view of the above, Applicant respectfully submits that the application is in condition for allowance, which allowance is respectfully submitted.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Matthew M. Jakubowski, Attorney for Applicant, at Examiner's convenience at (248) 358-4400.

A check in the amount of \$~~150~~¹⁵⁵.00 is enclosed for payment of one additional dependent claim (\$25.00) and for payment of the petition for sole inventorship (\$130.00). The Commissioner is hereby authorized to charge any additional payment or credit any overpayment in connection with this filing to Deposit Account 02-3978. A duplicate of this notice is enclosed for this purpose.

Respectfully submitted,

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Enclosures: Check for \$155.00
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